

**A.No.6381 of 2018**  
**in C.S.No.580 of 2018**

**N.SATHISH KUMAR.J.,**

This application has been filed by the applicant/plaintiff under Order II Rule 2 of the Civil Procedure Code, seeking leave of this Court to file a fresh suit, in case, if any need arises.

2. The learned counsel appearing for the applicant submitted that present application has been filed seeking liberty of this Court to sue the respondents for damages since the loss could not be quantified at this point of time.

3. The learned counsel appearing for the third respondent filed a common counter affidavit stating that the applicant ought to have obtained leave under Clause XIV of Letters Patent. Since no such separate application is made, the present suit is not maintainable and liable to be dismissed as a consequent of which the question of granting leave does not arise at all.

4. Heard both sides.

**N.SATHISH KUMAR.J.,**

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5. Considering the nature of relief sought for by the plaintiff in the plaint and taking into consideration of the submission made by the learned counsel for the applicant, this Court is of the view that the present suit claim is for damages and loss suffered by the plaintiff and since the damage caused cannot be determined at this stage the relief sought for in the plaint cannot be granted. Accordingly, this application is allowed.

**03.10.2019**

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